IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	ITED STATES OF AMERICA	0.00111407
	Plaintiff,) 8:09MJ127)
	vs.) DETENTION ORDER
JE	SUS GARCIA,	
	Defendant.	}
A.	Order For Detention After waiving a detention hearing pursuant Act on June 11, 2009, the Court orders the atto 18 U.S.C. § 3142(e) and (i).	to 18 U.S.C. § 3142(f) of the Bail Reform above-named defendant detained pursuant
B.	conditions will reasonably assure the X By clear and convincing evidence that	
C.	of 21 U.S.C. § 841(a)(1) imprisonment and a max (b) The offense is a crime of (c) The offense involves a n (d) The offense involves a la	and includes the following: e offense charged: n of methamphetamine (Count I) in violation carries a minimum sentence of five years simum of forty years imprisonment. f violence. arcotic drug. rge amount of controlled substances, to wit
	may affect whet The defendant h X The defendant h X The defendant h X The defendant is X The defendant is X The defendant h ties. Past conduct of The defendant h The defendant h The defendant h The defendant h Court proceeding (b) At the time of the current	appears to have a mental condition which her the defendant will appear. has no family ties in the area. has no steady employment. has no substantial financial resources. Is not a long time resident of the community. How does not have any significant community the defendant: has a history relating to drug abuse. has a history relating to alcohol abuse. has a significant prior criminal record. has a prior record of failure to appear at
	Probation Parole	

			Release pending trial, sentence, appeal or completion of
		(c)	sentence. Other Factors:
		(0)	X The defendant is an illegal alien and is subject to
			deportation.
			The defendant is a legal alien and will be subject to
			deportation if convicted.
			 X The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other:
Χ	(4)	The r	nature and seriousness of the danger posed by the defendant's
	(-)		se are as follows: The nature of the charges in the Complaint.
V	(5)	Dobu	ttable Presumptions
X	(5)		ttable Presumptions ermining that the defendant should be detained, the Court also relied
			e following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e)
			the Court finds the defendant has not rebutted:
	X	(a)	That no condition or combination of conditions will reasonably
			assure the appearance of the defendant as required and the safety
			of any other person and the community because the Court finds that
			the crime involves:
			(1) A crime of violence; or(2) An offense for which the maximum penalty is life
			imprisonment or death; or
			X (3) A controlled substance violation which has a maximum
			penalty of 10 years or more; or
			(4) A felony after the defendant had been convicted of two
			or more prior offenses described in (1) through (3)
			above, <u>and</u> the defendant has a prior conviction for one
			of the crimes mentioned in (1) through (3) above which
			is less than five years old and which was committed
	Y	(h)	while the defendant was on pretrial release. That no condition or combination of conditions will reasonably
		(D)	assure the appearance of the defendant as required and the safety
			of the community because the Court finds that there is probable
			cause to believe:
			X (1) That the defendant has committed a controlled
			substance violation which has a maximum penalty of
			10 years or more.
			(2) That the defendant has committed an offense under 18
			U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of
			violence, which provides for an enhanced punishment
			if committed by the use of a deadly or dangerous
			weapon or device).

- D. Additional Directives
 Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:
 1. The defendant be committed to the custody of the Attorney General for
 confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
 - The defendant be afforded reasonable opportunity for private consultation with counsel; and

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3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: June 11, 2009.

BY THE COURT:

s/ Thomas D. Thalken United States Magistrate Judge